

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hans Beer et al.
Application Number: 10/583,621
Filing Date: 03/26/2007
Group Art Unit: 1711
Examiner: Saeed T. Chaudhry
Title: DISHWASHER CONTROL FOR DEALING WITH
LARGE AMOUNTS OF FOOD RESIDUES BY
VARIABLE WASH PROGRAMS

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 CFR 41.41, Appellants hereby file a Reply Brief in the above-identified application.

STATUS OF CLAIMS

Claims 13-24 are pending and are the basis of this appeal. Claims 1-12 were canceled in the June 20, 2006 Preliminary Amendment. Claims 13 and 24 are independent.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(a) Whether claims 13-15, 18-19, and 22-24 are unpatentable under 35 U.S.C. § 103(a) over Wyman (GB-2221384) in view of Eiermann et al. (U.S. Patent Publication No. 2002/0108639).

REPLY ARGUMENT

The Response to Arguments states that Appellants argued that Wyman does not disclose or suggest a predetermined hydraulic abrasion capacity nor does it ensure that its filter remains functional in a remainder of the wash program as recited in independent claim 13. The Response to Arguments further states that this argument is unpersuasive because the claimed process does not include any different steps which provide a predetermined hydraulic abrasion capacity and ensure that its filter remains functional.

Appellants note the term “predetermined” cannot be ignored and that the Office Action has not shown how this feature is taught or suggested in the cited art. The plain meaning of a claim term is “the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention” (*see Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005)). Phillips also indicated that evidence for the ordinary and customary meaning of a term may be derived from “the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art” (*see Id.* at 1314). In the present case, that predetermined hydraulic abrasion capacity as taught in the present specification at paragraph [007] relates to pressure and quantity - features not disclosed or suggested by Wyman or Eirmann et al.

CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

/Andre Pallapies/

Andre Pallapies

Registration No. 62,246

June 30, 2011

BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-672-7927
Fax: 714-845-2807
andre.pallapies@bshg.com